

1 Counsel for the parties filed a stipulation on December 3, 2008, notifying this Court of the
2 settlement of this action, and requesting that the hearing set for December 5, 2008 on cross-motions
3 for summary judgment be vacated.

4 On December 4, 2008, this Court entered its Order vacating the hearing date, and ordering
5 the parties to appear for a Case Management Conference on December 19, 2008, if a dismissal is not
6 on file with the Court by December 15, 2008.

7 The parties will not be able to file a dismissal by December 15, 2008 for the reason that Bob
8 Lewis Volkswagen is in Chapter 11 bankruptcy, Northern District of California Bankruptcy Case
9 No. 08-50015. Approval from the Bankruptcy Court will need to be obtained for the settlement.

10 Counsel for Bob Lewis Volkswagen is informed and believes that the Bankruptcy Court
11 approval process will take a minimum of 20 days from the date that required notices are filed in the
12 Bankruptcy Court, and will take a minimum of 35 days if objections to the settlement are lodged in
13 Bankruptcy Court. Counsel for Bob Lewis Volkswagen anticipates that bankruptcy counsel for Bob
14 Lewis Volkswagen will have the appropriate notices on file in the Bankruptcy Court by December
15 19, 2008.

16 The parties therefore respectfully request that this Court continue the Case Management
17 Conference currently set for December 19, 2008, until a date in February, 2009, to allow sufficient
18 time for Bankruptcy Court approval to be obtained, and then to file a stipulation for dismissal in this
19 action.

20 IT IS SO STIPULATED.

21
22 DATED: December 9, 2008

WILLOUGHBY, STUART & BENING

23
24 By: Ellyn E. Nesbit

25 Ellyn E. Nesbit
26 Attorneys for Plaintiff, Bob Lewis
27 Volkswagen
28

1 DATED: December 9, 2008
2 LLP

SONNENSCHN NATH & ROSENTHAL
LLP

3
4 By: 

Michael Barnes
Attorneys for Defendant, Universal
Underwriters Insurance Company

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6
7 **ORDER**

8 IT IS SO ORDERED. The parties are to file a dismissal with the Court by
9 2/20, 2009, or appear for a Case Management Conference on 2/27, 2009,
10 at 10:30 a.m.

11 DATED: 12/17/08


Hon. Ronald M. Whyte
United States District Judge